

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE NANO-X SECURITIES
LITIGATION

Case No. 1:21-cv-05517-RPK-PK

Hon. Rachel P. Kovner

Hon. Magistrate Judge Peggy Kuo

**NOTICE OF PLAINTIFFS' UNOPPOSED MOTION FOR PRELIMINARY APPROVAL
OF CLASS ACTION SETTLEMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement, the Declarations of Justin D'Aloia and Nicholas Porritt, and all prior pleadings and proceedings herein, Lead Plaintiffs Davian Holdings Limited, Derson Jolteus, and Edward Ko ("Plaintiffs"), by and through their undersigned counsel, on behalf of themselves and the proposed Settlement Class (defined below), will hereby move this Court, before the Honorable Rachel P. Kovner, United States District Judge, United States District Court for the Eastern District of New York, at the Theodore Roosevelt United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York 11201, on a date and at a time to be designated by the Court, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for the entry of the proposed Order Granting Preliminary Approval of Class Settlement and Directing Class Notice, Exhibit A to the Stipulation of Settlement (the "Stipulation") annexed as Exhibit 1 to the Declaration of Justin D'Aloia, which, among other things:

- (1) preliminarily approves the proposed settlement set forth in the Stipulation;

(2) preliminarily certifies a class, for settlement purposes only, of all persons or entities who purchased or otherwise acquired Nano-X securities between August 21, 2020 to November 17, 2021, inclusive (the “Settlement Class”);

(3) preliminarily appoints Plaintiffs as the representatives for the proposed Settlement Class;

(4) preliminarily appoints the law firms of Levi & Korsinsky LLP and Pomerantz LLP as class counsel for the proposed Settlement Class;

(5) approves Epiq Global as the Claims Administrator for the proposed settlement set forth in the Stipulation;

(6) stays all ongoing and future proceedings unrelated to Settlement;

(7) approves the proposed class notice program, including the form, content, and manner of distribution of the forms of notice;

(8) sets deadlines and a procedure for the submission of proofs of claim to join in the proposed settlement, requests to be excluded from the proposed Settlement Class, and the filing of objections to the proposed settlement, and the filing of papers in support of final approval of the proposed settlement and any application for the payment of attorneys’ fees and expenses and a compensatory award to Plaintiffs.

PLEASE TAKE FURTHER NOTICE that Defendants consent to the relief that Plaintiffs seek in this Motion, including the entry of the proposed Order Granting Preliminary Approval of Settlement Directing Class Notice.

Dated: June 2, 2023

Respectfully submitted,

POMERANTZ LLP

/s/ Justin D. D’Aloia

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